

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CURTIS BRANDON,	:	CIVIL ACTION NO. 00-1656
Petitioner	:	
	:	
V.	:	Judge Gustave Diamond
	:	Magistrate Judge Sensenich
PHILIP JOHNSON, Superintendent,	:	
SCI-Pittsburgh; MICHAEL FISHER,	:	
Attorney General of Pennsylvania,	:	
and STEPHEN A. ZAPPALA, JR.,	:	
District Attorney of Allegheny County	:	
Respondents'	:	

FILED
FEB 27 2006
CLERK U.S. DISTRICT COURT
EAST. DIST. OF PENNSYLV.

PETITIONER'S MOTION FOR PRODUCTION OF DOCUMENTS PURSUANT FED.R.CIV.P. RULE 34

AND NOW, comes, CURTIS BRANDON, Petitioner, pro se, who files this said Motion For Production of Documents pursuant to Fed.R.Civ.P. Rule 34, and presents the facts in support thereto as the following:

PROCEDURAL HISTORY/FACTS

1. This Court denied Petitioner's Supplemental Motion For Reconsideration Of His Fed.R.Civ.P. Rule 60(b) Motion dated February 13, 2006.

2. Petitioner filed his "NOTICE OF APPEAL" for The Third Circuit Court Of Appeal dated February 14, 2006.

PETITIONER'S "GOOD CAUSE" REASON FOR PRODUCTION OF DOCUMENT

1. This Court stated Respondents' provided their response to Petitioner on December 2, 2005, by their proof of service dated December 2, 2005. See this Court's "MEMORANDUM ORDER" at "p. 1, n. 2," (1/19/2006). To this date Petitioner has not came into receipt of the Respondents' response of December 2, 2005. Petitioner filed an OFFICIAL INMATE GRIEVANCE at SCI-Graterford about not receiving Respondents' response dated February 6, 2006 and, William Stowers responded back stating: "If you did not receive this mail you need to ask the court to trace the mail or provide proof of delivery." See hereto attached

a copy of Petitioner's OFFICIAL GRIEVANCE with William Stowers response as Petitioner's (Exhibit "A"). ¶

2. Since Petitioner filed his "NOTICE OF APPEAL" for the Third Circuit Court of Appeals, Petitioner needs to have the Respondents' response dated by them as December 2, 2005, in order to help prepare his appeal to the Third Circuit Court of Appeals. According to the FEDERAL RULES OF CIVIL PROCEDURE, persons not parties, such as this Court, can provide Petitioner with a copy of the Respondents' response (dkt. no. 63). In relevant part Rule 34 states the following:

"(c) Persons Not Parties. A person not a party to the action may be compelled to produce documents and things or to submit to an inspection as provided in Rule 45."

Id., Fed.R.Civ.P. Rule 34(c). ¶


3. Petitioner is requesting that this Court provide him with a copy of the Respondents' response (dkt. no. 63). ¶

4. By this Court providing Petitioner with a copy of (dkt. no. 63), Petitioner can properly prepare his appeal to The Third Circuit Court of Appeals. ¶

CONCLUSION

WHEREFORE, for the above-stated facts and reasons, Petitioner prays this Court will provide him with a copy of (dkt. no. 63) Respondents' response.

Respectfully submitted,

By: 
CURTIS BRANDON DV-2954
Box 244
Graterford, PA. 19426-0244
Petitioner, pro se

Date: February 23, 2006

DC-804
Part 1

Mr. Spencer
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

Mail
143282
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Mr. Wendy Moyer</i>	FACILITY: SCI-Graterford	DATE: Feb. 6, 2006
FROM: (INMATE NAME & NUMBER) <i>Mr. Curtis Brandon DV-2954</i>	SIGNATURE of INMATE: <i>Curtis Brandon</i>	
WORK ASSIGNMENT: N/A	HOUSING ASSIGNMENT: CA-1078	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

On January 27, 2006 I received legal mail from THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA where Judge Diamond stated in his "MEMORANDUM ORDER" of January 19, 2006 that the Respondents' (Stephen A. Zappala, Jr. and Paul R. Scholle, Esquires) from the Office of the District Attorney mailed their response to me dated December 2, 2005. See hereto attached the first page of the "MEMORANDUM ORDER" as (Exhibit "A").

No SCI-Graterford staff member gave me this legal mail to date and, because I did not know what the Respondents' stated in their response to my Federal Rule 60(b) Motion — by not being able to reply to it, the judge denied my motion so I suffered a personal injury in that litigation.

I request monetary compensation in the amount of One Hundred Thousand Dollars (\$100,000.00), from the violations of my First Amendment rights and Fourteenth Amendment rights of the Federal Constitution by SCI-Graterford withholding my legal mail from me (since I do not know specifically which SCI-Graterford staff member withheld it from me), the fact remains I never received the Respondents' response to this date.

cc: File

B. List actions taken and staff you have contacted, before submitting this grievance.

I shown Sgt. M. L. Vojacek, Jr., the judge's statement and, asked him to check the Legal Log in "C" Block to see if I received any legal mail during the month of December 2005; he stated I was not listed in "C" Block's Legal Log for the month of December 2005 — I asked him to verify it on a DC-135A — he stated he would, but when I gave him the DC-135A he refused to verify it in writing. See attached copy of the DC-135A of January 24, 2006 as APPENDIX "A." When I requested Sgt. White to verify from the "C" Block Legal Log if I received any legal mail for the month of December 2005, he stated there is no legal log. See attached DC-135A of 1/25/06 as APPENDIX "B." Ms. Ulinny stated she does not keep a legal mail log. See her response on my DC-135A of 1/24/06 as APPENDIX "C."

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Wendy Moyer
Signature of Facility Grievance Coordinator

02 07 06
Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised
December 2000

H

DC-804
PART 2

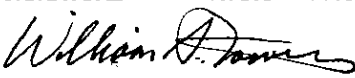
RECEIVED

FEB 17 AM 9:07

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001Revised
December 2000OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

143282

TO: (Inmate Name & DC No.) Curtis Brandon DV-2954	FACILITY SCI-GRATERFORD	HOUSING LOCATION C-A-1078	GRIEVANCE DATE 2/6/06
<p>Mr. Brandon,</p> <p>Per the DC-ADM 803 privileged correspondence from an attorney with an attorney control number is opened and inspected in your presence. Any mail from an attorney or law firm that does not contain an attorney control number from central office is open, inspected, resealed and sent to the block as regular mail. There is no policy that requires privileged mail with an attorney control to be logged anywhere.</p> <p>If you did not receive this mail you need to ask the court to trace the mail or provide proof of delivery. Any mail received here at the institution would be sent to the cellblock to be delivered or if containing an attorney control number opened in your presence.</p>			
Print Name & Title of Grievance Officer William STOWERS BUDGET ANALYST	SIGNATURE OF GRIEVANCE OFFICER 		DATE 2/15/06


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	:	Magistrate Judge Sensenich
PHILIP JOHNSON, Superintendent,	:	
SCI-Pittsburgh; MICHAEL FISHER,	:	
Attorney General of Pennsylvania,	:	
and STEPHEN A. ZAPPALA, JR.,	:	
District Attorney of Allegheny County	:	
Respondents'	:	

CERTIFICATION OF SERVICE

I, CURTIS BRANDON, Petitioner, hereby certify that on February 23, 2006, I caused to be served a true and correct copy of the foregoing document entitled "PETITIONER'S MOTION FOR PRODUCTION OF DOCUMENTS PURSUANT FED.R.CIV.P. RULE 34" by depositing the same in the United States Mail, First-class, postage prepaid, to the person listed below as the following:

Office of the District Attorney
Paul R. Scholla, Esquire
County of Allegheny
303 Courthouse
Pittsburgh, PA. 15219-2489


CURTIS BRANDON
Petitioner, pro se

Mr. Curtis Brandon
DV-2954
Box 244
Graterford, PA. 19426-0244
February 23, 2006

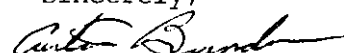
CLERK'S OFFICE
UNITED STATES DISTRICT COURT
Pittsburgh, PA. 15230

Re: BRANDON V. JOHNSON, et al., C.A. No. 00-1656

Dear Clerk:

Enclosed you shall find "PETITIONER'S MOTION FOR PRODUCTION OF DOCUMENTS PURSUANT FED.R.CIV.P. RULE 34," kindly file the same with the court today.

I thank you for your attention in this matter.

Sincerely,


CB

cc: File